

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested. Specifically, favorable consideration of Claims 1-4, 14-17, and 22, as well as newly submitted claim 29, is respectfully requested.

The Applicant wishes to thank the Examiner for the courtesy and cooperation extended towards the Applicant's undersigned attorney during the telephone interview of February 5, 2004. The present Amendment is being submitted in accordance with the substance of that interview.

In particular, the arguments that were originally submitted in the Response of December 17, 2003 are re-submitted below. Newly submitted Claim 29, which depends from Claim 14, is distinguishable over the cited references for at least the reasons set forth below.

It is noted that in the Interview Summary, the Examiner indicated that the arguments would negate the possibility of a First Action Final Rejection in the event that a RCE is filed. Therefore, for at least the reasons that follow, it is respectfully requested that the rejections set forth in the Final Office Action of October 20, 2003, be withdrawn.

THE REJECTION OF CLAIMS 1, 2, 4, 14, 16, 17 AND 22 UNDER 35 U.S.C. §103(a)

Claims 1, 2, 4, 14, 16, 17 and 22 were again rejected under 35 U.S.C. §103(a) as being unpatentable over XML Authority by Extensibility Inc. (hereafter "Authority") and further in view of the admitted prior art. The Applicant respectfully maintains its traversal of this rejection, and further maintains its request that this rejection be reconsidered and withdrawn.

Despite the Applicant's arguments to the contrary submitted in the Amendment of July 28, 2003, the point of rejection that "Authority discloses

converting between schema formats,” has been presently maintained. In support of such assertion, the rejection has been supplemented with the assertion that Authority describes, (a) “XML Authority imports schema information residing in existing data structures and documents,” (p. 3) and (b) “XML Authority outputs...DTDs,” (p. 3).

The Applicant respectfully submits that the cited portions of Authority do not teach or suggest “converting between schema formats.” Rather, under the heading of “Leverage information assets and importing existing schema information,” Authority states, “XML Authority imports schema information residing in existing data structures and documents.” Further along, under the same heading, the reference continues by listing the documents and data structures thus contemplated, with the “documents” including “DTD (XML and SGML).” However, Authority does not describe any conversion from schema information to the DTDs, but instead describes importing schema information from DTDs.

Further, under the heading of “Diverse output ensures adaptive schemas,” Authority (p. 3) states, “XML Authority outputs schema information for the current and proposed XML standards...XML Authority outputs DTD’s, DTD’s and XML Schema.” There is no conversion described or suggested by this description. The Applicant respectfully submits that the cited portions of the reference only list what may be imported into or output from XML Authority. There is no description, whatsoever, that teaches or even suggests, “converting the schema elements into data type definition (DTD) objects,” as recited in Claim 1. To that end, the Applicant respectfully disagrees with the statement in the “Response to Arguments” that, “The document when taken as a whole does in fact teach converting from schemas to DTDs,” on page 4 of the Office Action.

The rejection continues by acknowledging that Authority does not teach “validating the data elements using the DTD objects,” as recited in Claim 1. To compensate for such deficiency, the argument continues with, “It would have

been obvious to one of ordinary skill in the art at the time of the invention to parse into schema element and data element because they are physically separate within the document, and because they are logically different components that serve different functions.”

The Applicant responds by contending that parsing the schema elements and data elements from the XML document would not have been obvious in the absence of any further substantiation as to why they are being parsed. The rejection fails to establish that one of ordinary skill would have parsed such elements without purpose.

Further, the Applicant further submits that the rejection fails to establish any correlation between parsing schema elements and data elements from the XML document and “validating the data elements using the DTD objects,” as recited in Claim 1. Assuming, *arguendo*, that parsing the schema elements and data elements from the XML document would have been obvious to one of ordinary skill, both the rejection and the reference still fail to substantiate that one of ordinary skill would have further converted the parsed schema elements into DTD objects and validated the parsed data elements using the DTD objects.

The “Background” of the present application states that, “The validation node factory 30 receives the XML data events from the namespace node factory 24 and uses the DTD objects 32 to evaluate whether the data complies with certain constraints defined by the DTD objects.” But there is no admission, or suggestion, of XML schema being converted into DTD objects or data elements being validated using the DTD objects.

Accordingly, the Applicant respectfully submits that Authority and the admitted art both are fundamentally deficient in relation to the claimed invention. In particular, neither provides sufficient disclosure to suggest the conversion of restricted XML schema into DTD objects (correcting a mischaracterization on page 7 of the Amendment of July 28, 2003), as recited in Claim 1.

Therefore, for at least the reasons set forth above, in addition to those submitted on July 28, 2003, it is respectfully submitted that not all of the features of Claim 1 are taught or suggested by the art to establish a *prima facie* case of obviousness, and therefore the rejection thereof under 35 U.S.C. §103(a) should be withdrawn.

In addition, independent Claim 14 was rejected under the same rationale as Claim 1, and therefore the discussion set forth above is applied to distinguish Claim 14 from the proposed combination of art to the extent that the same elements are found in Claims 1 and 14. Further still, the same arguments are applied to dependent Claim 2, 4, 16, 17, and 22. MPEP §2143.03 indicates that if any independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious as well (*In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

THE REJECTION OF CLAIMS 3 AND 15 UNDER 35 U.S.C. §103(a)

Also presently maintained is the rejection of Claims 3 and 15 under 35 U.S.C. §103(a) as being unpatentable over Authority and the admitted prior art as applied to Claims 1 and 14 above, and further in view of Hickman, et al. (U.S. Patent 6,564,252; hereafter "Hickman"). The Applicant respectfully maintains its traversal of this rejection as well, as well as the request that this rejection also be reconsidered and withdrawn.

Claims 3 and 15 depend from Claim 1 and 14, respectively, and therefore are distinguishable from Authority and the admitted art for the reasons set forth above further to the arguments of July 28, 2003. Hickman does not compensate for the deficiencies of Authority and the admitted art, as discussed above, and, further, does not teach or suggest any means or method for converting extensible XML schema elements into non-extensible DTD objects, as is presently claimed.

This argument was presented in the Amendment of July 28, 2003, and no rebutting arguments have been presented in the outstanding Office Action.

Thus, for at least the reasons set forth above, the present rejection under 35 U.S.C. §103(a) should be withdrawn.

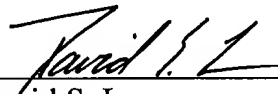
CONCLUSION

The remaining references of record have been studied, and it is respectfully submitted that they do not compensate for the deficiencies of any of the references utilized in rejecting the pending claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

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